श्री सुरेन्द्रजीत सिंह अहलुवालिया : टेबुल वेचर के लिए ली जो लिया जाता है उनको एक्साइज की मुक्ति, एक्साइज की माफी है और अल्युमिनियम एक ऐसी धातु है जिसको जल्दी गलाकर दूसरी चीजें बना ली जाती हैं। मैं आपकी और मंत्री जी की इन्फारमेशन के लिए बताना चाहता हूं कि मथुरा में ऐसे कारखाने चलते हैं जहां गिलेट की चवन्नी और अठन्नी को गलाकर व्हाइट मेटल के आर्नामेंटस बनते हैं। इस चवन्नी और अठन्नी के व्हाइट मेटल के आर्नामेंट जैसे कान की मरकी और नाक की नथनी में उनको 10 रुपये या 20 रुपये मिल जाते हैं। यह धंधा लोगों को सूट करता है। आप जो अल्युमिनियम बर्तन बनाने वालों को देते हैं जहां पर आप एक्साइज नहीं लगाते हैं या खिड़की दरवाजे बनाने के लिए देते हैं उन अल्युमिनियम को गलाकर दूसरे धंधे चल रहे हैं। उन धंधों को रोकने के लिए आपने क्या कार्यवाही की है यह बताने की कृपा करें क्योंकि आज के दिनों में देखा यह गया है कि अगर चोर भी घर में घुसता है तो अल्युमिनियम, पीतल या कांसे के बर्तन मिल जाते हैं तो चुरा लेता है लेकिन स्टील के बर्तन छोड़ जाता है क्योंकि वे गल नहीं सकते और इनको तुरंत गलाकर दूसरी चीजें बना ली जा सकती हैं। इस करके इसमें गलत धंधे चलते हैं। इनको रोकने की क्या व्यवस्था की गई है?

श्री सभापति : आपकी मदद से आप कुछ करेंगे इसमें?

श्री रामेश्वर ठाकुर : हमारे माननीय सदस्य ने जो जानकारी में डाला है। जहां तक हमारा सवाल है ...

श्री सभापति : आपको इसकी जानकारी नहीं है?

श्री रामेश्वर ठाकुर : हमारी जानकारी तो नहीं है ...

श्री सभापति : आप इन से जानकारी ले लीजिए।

श्री रामेश्वर ठाकुर : जानकारी ले ली है इसके बाद मैं निवेदन कर रहा हूं कि अल्युमिनियम के क्रय और विक्रय पर पूर्ण छूट है इस पर किसी प्रकार का कंट्रोल नहीं है। क्रय और विक्रय पर छूट है। लोग अल्युमिनियम का सामान, बर्तन और धातु खरीदते हैं बेचते हैं। अब कोई सिक्के को गलाकर उससे कुछ दूसरा बनाता है, यह उनका धंधा है। जो उनके उपयोगी है वह करते हैं ... **(व्यवधान)**

श्री सुरेन्द्रजीत सिंह अहलुवालिया : एक्साइजेबल आर्टिकल्स को बर्तन बनाने के लिए, खिड़की और दरवाजों के ग्रिल बनाने के लिए जो आप गिलेट देते हैं वह सामान वहां बनता है या नहीं बनता है अथवा उसका और कुछ बनता है। इस पर कार्यवाही होती है या नहीं यह बताइये। आपका डिपार्टमेंट देखता है या नहीं देखता है?

श्री सभापति : आपका डिपार्टमेंट इसे देखता है?

श्री रामेश्वर ठाकुर : इन चीजों को जिन्हें हम देते हैं और जिस पर हमारा कंट्रोल है, कोटा के अंदर देते हैं उसमें उसके व्यवहार की खास बात होती है। जो छूट है इस पर किसी प्रकार का सरकार का नियंत्रण नहीं है। उसमें नागरिकों को अधिकार है कि वे खरीदें बेचें और अपनी आवश्यकतानुसार उसका व्यवहार करें। इसमें किसी प्रकार की दिक्कत नहीं है। केवल दरवाजे और खिड़की की बात माननीय सदस्य ज्यादा कर रहे हैं। हमने बताया कि सभी बर्तनों पर छूट है; हाउस होल्ड गुड्स और आर्टिकल्स जो हैं उसमें पूरी छूट है।

Import of Machinery by M/s. Voltas

*24. SHRI DIPEN GHOSH: Will the Minister of COMMERCE be pleased to refer to the answer to Starred Question 122 given in the Rajya Sabha on the 10th May, 1990 and state:

(a) whether it is a fact that M/s. Voltas had imported machinery by

paying a concessional rate of duty; and

(b) if so, in what manner did these imports qualify as project imports and not just machinery imports?

THE MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF COMMERCE (SHRI P. CHIDAMBARAM): (a) and (b) The facility of assessment under Heading 98.01 of the Customs Tarrif relating to Project Imports is inter-alia available in case of import of machineries specified therein and required for the purposes including the initial setting up of a unit of an industrial plant provided the goods have been imported in accordance with the provisions contained in Project Import Regulations, 1986. M/s. Voltas Ltd. fulfilled the relevant conditions and were, therefore, allowed assessment under Heading 98.01 of the Customs Tarrif.

No separate exemption was made available specifically to imports of machinery made by M/s. Voltas Limited.

SHRI DIPEN GHOSH: Sir, my question was very simple and specific, but the reply appears to have been given in an evasive and circuitous manner.

Sir, my question was whether it is a fact that M/s. Voltas had imported machinery by paying a concessional rate of duty and, if so, in what manner these imports qualified as project imports and not just machinery imports. This is the most important thing.

Sir, you will appreciate that project import means, at least to a commoner like me, an integrated and complete project, and not any individual machinery. There may be a lot of individual machinery which would constitute the project. And, there are two types of tariff: one tariff for the project machinery and another tariff for the individual machinery. So, the fact is that M/s. Voltas were allowed to import some machinery declaring them as project machinery and thus trying to get a concessional rate. In reply to an Unstarred Question on the 27th December, 1990—the question was mine—the reply given by the then Minister of Finance is like this—I am quoting only one line:

> "Machineries for soft drinks are not eligible for concessional rate of duty."

The machineries which were imported were imported under two licences. One is for bottle-washing machines, carbonator, cooler and proportioner, and another was for bottle-filling and closing machines including complete crowner and capper units. These were imported under these two licences and neither of these can be considered as project machinery as such. So, I would like to know from the Minister, first of all, whether the macineries which were allowed to be imported constituted by themselves a project. The second part of my question is this: What exactly was the concessional rate of duty which was allowed to them and what is the difference between the rate of tariff paid by them as project import and the rate which was to have been paid if it was considered as a machinery import?

SHRI P. CHIDAMBARAM: Sir, as you would kindly notice, the honourable Minister's question spans the Ministry of Finance and the Ministry of Commerce. The question which he just now referred to pertains to the Ministry of Finance. I find that the earlier Starred Question No. 122 out of which this question arises, was answered by the Ministry of Commerce. As far as the Chief Controller of Imports and Exports is concerned his office issues licences for the import of capital goods. When capital goods come into the country, the appropriate duty on capital goods is determined by the Customs authorities which falls under the Ministry of Finance. There is a set of regulations

known as the Project Imports Regulations, 1986. The appropriate authority is the Customs House and the appropriate officer is the Assistant Collector of Customs or a suitable authority. When capital goods are imported into this country, the importer can either have each item of machinery assessed to duty under appropriate heading or he could, if he follows the project import regulations, have it assessed as a project import. There is a very detailed procedure where he has to submit a large number of documents, including his contract for registering this project import before the goods arrive at the Customs point. In this case, the Customs authorities have informed my Ministry that the importer followed the procedure faithfully, registered his contract with the Custom House, satisfied the Assistant Collector of Customs that his import qualifies as project import, and he cleared it under the project import. Now, I have to accept the Assistant Collector's judgment because I cannot question his judgment. If questions have to arise on the judgment of the Assistant Collector whether what he did was right or wrong, I would humbly request you, Sir, to request the Member to address it to the Ministry of Finance.

As far as the rates are concerned, I am told—this was imported in April, 1990—in April, 1990, the appropriate rate of project import was 80 per cent. But if the machinery had been assessed under a separate head, it would have ranged between 30 per cent and 120 per cent, depending upon the item of machinery. But, as a project, it suffered an import duty of 80 per cent.

SHRI DIPEN GHOSH: Sir, again, of course, the hon. Commerce Minister has to take shelter under the umbrella of Ministry of Finance. Anyway, Sir, my question was specific. The question was allowed under the Ministry of Commerce, and the question was whether these machinery constitute by themselves a project machinery. My supplementary was, what were the concessional rates they had enjoyed, the total amount, and as machinery, how much they would have required to pay. That you have not answered. I would like you to answer it. If there is no answer, then I will have to ask the Finance Minister in a separate question.

SHRI JAGESH DESAI: You have it transferred.

SHRI P. CHIDAMBARAM: I do not have the information, really the information would be available with the Ministry of Finance. My answer is that the appropriate officer, the proper officer under these Regulations, namely the Assistant Collector was satisfied that this qualifies under Project Import Regulations, 1986. And he has allowed it as a project import and assessed it at 80 per cent which was the appropriate rate of duty.

SHRI DIPEN GHOSH: Sir, now I come to my second supplementary. I refer to a reply given by the Commerce Minister to a question of mine on the 10th May, 1990, wherein it was stated that M/s. Voltas Limited, Bombay, had made two applications in 1989, to the Joint Chief Controller of Imports & Exports, Bombay, for import of soft drink manufacturing machinery against REP Licences. And, in fact, these two Licences were granted against the surrender of equivalent values of REP licences. And one was for Rs. 83,87,899 and another was for Rs. 59,50,358. These actual imports were made against the surrender of equivalent values of REP licences. And, I think, this also pertains to the Ministry of Commerce. Regulation 179(1) says, "an actual user (industrial) can also bulk together the value of the flexibilities allowed in terms of part 175 above on two or more REP licences for import of one integrated plant or machinery, including accessories thereof, up to *a*

maximum value of Rs. 1 crore." And in fact it was meant for the cottage and small scale industries; the value limit is Rs. 1 crore. And in order to avoid that M/s. Voltas Ltd. have split this in two applications, keeping both the applications below the limit of Rs. 7 crore against the surrender of equivilants of REP licences, as a result of which there is something wrong in it. In order to circumvent the application of the law or the rule in correct perspective, M/s. Voltas Ltd. applied for two licences against the surrender of the equivalent of the REP licences, and that two in order to circumvent that particular clause split it into two— in order to avoid that ceiling of one crore ceiling.

MR. CHAIRMAN: That you have said twice. Now put your question.

SHRI DIPEN GHOSH: That is why I am asking that there was some fishy matter inside this. So that way I have...

MR. CHAIRMAN: Will you fish out the fish? (*Interruptions*)

SHRI DIPEN GHOSH: It is for the Ministry of Finance. And the Commerce Ministry had replied to Unstarred Question No. 1073 on the 7th March, 191. I quote...

MR. CHAIRMAN: Was that also addressed to the Commerce Ministry?

SHRI DIPEN GHOSH: Yes, the Commerce Ministry. I quote:

> "The Enforcement Wing of the CCI&E has started inquiry into the alleged violation of import provisions by Messrs. Voltas Ltd. The The investigation is in progress and steps are being taken to finalise it expeditiously."

That was the reply of the Ministry of Commerce. Not Finance.

So my second suplementary is whether it is a fact that in order to circumvent the application of the ru and law, for the purpose of getti licences against surrender of equiv lent of REP licences, they split in two. And also what is the conce sional rate? And that is why t CCI&E referred it for investigatic And why — part (b) of my secor supplementary is — so much time being taken? And what is the resu of that investigation?

SHRI P. CHIDAMBARAM: Sir, far as the licences themselves a concerned, there is no concession duty at the stage of grant of licence The duty arises only at the stage crossing the Customs barrier, whethe it will fall under one heading another. There is no concessions duty at the stage of granting licence

The hon. Member's question is ver valid. What he says turns on th interpretation of paragraph 179(1 He also says that my predecessor ha given him an answer in March 19 that an inquiry is on into whethe para. 179(1) has been violated. would like to assure you, Sir, th we will complete the inquiry an come to a conclusion. But whe there is an inquiry on, it would b hardly proper for me to give my in terpretaion of paragraph 179(1).

SHRI DIPEN GHOSH: Will it b done expeditiously?

SHRI P. CHIDAMBARAM: It wi be done expeditiously. As soon a the inquiry is completed, we wil communicate the result to him.

SHRI KAMAL MORARKA: Sir the specific question was how can a import qualify for a concessional rat of duty? The Minister says tha this question is for the Finance Minis try and so it should be addressed t them.

MR. CHAIRMAN: This was per mitted because it has arisen out of question answered by the Commerc Ministry.

SHRI KAMAL MORARKA: My supplementary to the Commerce Ministry would be that it is now well known that where there are two rates of duty for some product there is a considerable manoeuvrability for the importer to change an item from one head to another. This is an obvious case. In the new Exim policy that will be coming, will these loopholes be removed so that the judgment of the Assistant Collector of Customs is not the final determinant of what rate of duty applies to a particular import, because in this case it is very obvious that merely because the importer wanted to pay 40 per cent less duty he has followed some procedure under some paragraph and terms it as a project import, though it is clear that the machinery imported is not a project import.

SHRI P. CHIDAMBARAM: Sir, the hon. Member has used the word 'manoeuvrability'. I cannot use such judgemental words. All I know is, there are two schemes for assessment of duty. This falls under the Customs and the Customs Tariff. One is assessing duty on each item of machinery. Second is assessing duty on the whole project. I think there is a lot of economic sense in allowing a lower rate of duty if machineries are imported for the whole project. It makes a lot of sense because then the balancing equipment is available as one machine compliments the other.

MR. CHAIRMAN: His question is very simple. Will you in consultation with the Finance Ministry see that there are no loopholes left?

SHRI P. CHIDAMBARAM: I don't think there is anything wrong in having two kinds of customs tariffs, one for machinery and one for project. If it is presumed to be a loophole... (*Interruptions*).

MR. CHAIRMAN: If there are any loopholes you will plug them?

SHRI KAMAL MORARKA: The Minister himself has said that the judgement... (*Interruptions*). The rate of duty will be applied on the judgement of the Assistant Collector. He himself has said it. I have not said it.

SHRI P. CHIDAMBARAM: My view is—I can only say my view—there is merit in having two rates, one for machinery and one for project. If this view is not acceptable, it is for the Finance Minister to say ... (*Interruptions*).

SHRI KAMAL MORARKA: There is nothing wrong in having two rates. But who will decide whether it is a machinery or a project. The import licensing authority wil decide or the Assistant Collector of Customs will decide?

SHRI DINESHBHAI TRIVEDI: The Minister has said that the importer will decide.

SHRI P. CHIDAMBARAM: I think, that has merit. I say this with utmost humility that there is merit in having a rate of duty for machinery and a rate of duty for project import. This is not a policy which I made. This is a policy which the Finance Ministry has made. The Finance Minister is here. If you think that this policy is wrong, I am sure the Finance Minister will see to it. If there are loopholes, he will plug the loopholes.

SHRI KAMAL MORARKA: I only want a small answer. Who is the authority to decide whether the particular import is machinery import or project import? Is it the Controller of Imports and Exports? Is it the Assistant Collector of Customs? Or is it the importing party i.e. M/s Voltas in this case?

SHRI P. CHIDAMBARAM: Under the law, if an importer satisfies the conditions of the Project Import Regulations, 1986 and registers this contract with the Customs House, the appropriate statutory officer is the Assistant Collector of Customs.

PROF. SOURENDRA BHATTACHARJEE: Mr. Chairman, Sir, some convoluted logic has been presented by the Commerce Minister in the sense that he is not trying to meet the points raised from this side or by the questioners. He says on the question whether it is a part of project or not, the decision of the Assistant Collector of Customs is final and even if a question has to be raised, that question has to be raised with the Finance Minister. He points out the Finance Minister present here. I don't know whether he proposes to have a debate with the Finance Minister or clarification from the Finance Minister, here and now. My precise question is that, if there is any doubt on the question of the interpretation whether one is project or not, if there is any doubt or misapprehension, why does not the Commerce Minister approach the Finance Minister to get it clarified once for all without asking the questioners, Members to go from Ministry to Ministry?

SHRI P. CHIDAMBARAM: Let me submit that I have no doubt about the wisdom of the policy. If there are doubts about the wisdom of the policy or that policy should be revised. I would appeal to the hon. Members to address the Finance Minister to revise the policy. I have no doubt about the wisdom of the policy.

MR. CHAIRMAN: Q. No. 25.

Ban on sex determination tests

*25. SHRI PRAMOD MAHAJAN: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether Government propose to ban sex determination tests; and

(b) if so, what are the details in this regard?

THE MINISTER OF HEALTH AND FAMILY WELFARE (SMT. D. K. THARA DEVI SIDDHARATHA): (a) and (b) The Government is considering to bring an appropriate legislation in this regard.

श्री प्रमोद महाजन : सभापति जी, किसी भी समाज में स्त्री-पुरुष का प्रतिशत लगभग समान होना चाहिये । भारत में यह प्रतिशत बहुत ही असभान है और गत कुछ वर्षों में लगातार स्त्रियों की संख्या का प्रतिशत निरन्तर गिरता जा रहा है । स्त्रियों के इस गिरते प्रतिशत के जो अनेक कारण हैं उनमें एक कारण लिंग परीक्षण प्रक्रिया भी है और इस लिये इस पर प्रतिबंध लगना चाहिये । मुझे सरकार के इस उत्तर से संतोष है कि सरकार लिंग परीक्षण पर प्रतिबंध लगाने संबंधी उपयुक्त विधान लाना चाहती है लेकिन डर इस बात का है कि पिछली तीन सरकारों से मैं यही उत्तर 3 वर्षों से सुनता आ रहा हूं लेकिन आज तक इसका क्रियान्वयन नहीं हुआ है । पता नहीं इस देरी के कारण कितनी लाखों अभागी बहनें दुनिया में आने से पहले ही नष्ट की गई हों । इसलिये क्या मंत्री महोदय सदन को यह आश्वासन देंगे कि उनका यह उपयुक्त विधान इसी सत्र में लाया जायेगा और किसी चिकित्सा समिति को न भेजते हुये पारित किया जायेगा ।

श्री एम०एल० फोतेदार : सदस्य महोदय ने जो फरमाया, मैं उससे बिल्कुल सहमत हूं । पिछले एक साल मे तीन सरकारें बदली, यह हमारा कसूर नहीं है, यह आपका अपना कसूर है । आपको मैं इस बात का आश्वासन देता हूं कि यह जो मौजूदा सरकार है, यह पूरे पांच साल रहेगी । . . . **(व्यवधान)**

श्री प्रमोद महाजन: आपकी जानकारी के लिये, यह उत्तर मुझे उस सरकार ने भी दिया था जो आपकी थी । आप इसमें राजनीति मत लाइये, मैं तीन सरकारों को कहा । . **(व्यवधान)**

श्री एम०एल० फोतेदार : प्रमोद जी, जरा **(व्यवधान)** आप जरा शांत रहिये मैं आपकी बात पर आ रहा हूं । (व्यवधान) . . .